

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSHUA PAYNE,

Plaintiff,

v.

C.O. KABILKO, et al.,

Defendants.

3:17-CV-2063  
(JUDGE MARIANNE)  
**FILED  
SCRANTON**

JAN 26 2018

ORDER

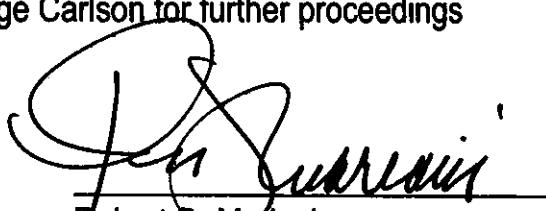
PER JDH  
DEPUTY CLERK

AND NOW, THIS 26<sup>th</sup> DAY OF JANUARY, 2018, upon review of Magistrate

Judge Carlson's Report & Recommendation, (Doc. 9), for clear error and manifest injustice,

**IT IS HEREBY ORDERED THAT:**

1. The Report & Recommendation, (Doc. 9), is **ADOPTED** for the reasons stated therein.
2. Because Plaintiff did not amend his claims against Deputy Superintendent Cronauer, Deputy Superintendent Mason, and Chief Grievance Officer Varner in the time allotted by this Court's prior Order, (Doc. 8), those claims are now **DISMISSED WITH PREJUDICE**.
3. The Clerk of the Court is directed to **TERMINATE** Defendants Cronauer, Dep Mason, and Varner from this action.
4. The case is **REMANDED** to Magistrate Judge Carlson for further proceedings consistent with this Order.



Robert D. Mariani  
United States District Court Judge